

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 12.11.3205 pertaining to a no)
wake zone at White Sandy Recreation)
Area on Hauser Lake)

To: All Concerned Persons

1. On March 22, 2007, the Fish, Wildlife and Parks Commission (commission) published MAR Notice No. 12-324 regarding the public hearing on the proposed amendment of the above-stated rule at page 326 of the 2007 Montana Administrative Register, Issue Number 6.

2. The commission has amended ARM 12.11.3205 as proposed.

3. The following comments were received and appear with the commission's responses.

Comment 1: One person supported the no wake zone but wondered if 300 feet was large enough given the technically advanced watercraft now in existence. This person noted that she had witnessed unsafe behavior on the water in no wake zones too often and wondered how the department would enforce the new no wake zone.

Response: The commission recognizes the need for enforcement and provides enforcement in the area concerned. Department of Fish, Wildlife and Parks game wardens, water safety officers, and other department employees enforce no wake zone rules, and many citations are issued on Hauser Reservoir each year for violations. This existing enforcement will apply to the White Sandy no wake zone. Unfortunately, not all violations occur in the presence of our law enforcement staff. The duties of our enforcement personnel are varied, and coverage of all the recreation sites is extremely difficult.

While increasing the level of enforcement presence is desirable, enforcement can only be done where regulations exist. The addition of a no wake zone would allow enforcement personnel another tool to effectively deal with dangerous or reckless circumstances when they occur.

The commission believes that enlarging the no wake zone beyond 300 feet would probably not increase public safety more than the proposed 300 foot zone. The purpose of the no wake zone is to provide for public safety at the newly established boat ramp and swim area at White Sandy. The Bureau of Land Management intends to mark the area with buoys. Additionally, the swim area will be delineated with connecting floats. These measures should adequately address safety issues.

Comment 2: One person did not support the proposed no wake zone and thought there were enough no wake zones on Hauser Reservoir already. This person said one of the best water skiing areas is along the bank at White Sandy.

Response: The commission has the authority and duty to establish regulations on the use of public waters to promote public health, safety, and welfare and to protect property and public resources. The proposed no wake zone will only restrict a small portion of the shoreline immediately adjacent to the boat ramp and swim area. If the no wake zone was not established, it would still be unsafe to water ski around the boat ramp and swim area. The majority of the shoreline along Hauser Reservoir will remain open for water skiing.

By: /s/ Jeff Hagener
M. Jeff Hagener
Secretary, Fish, Wildlife and
Parks Commission

By: /s/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

Certified to the Secretary of State May 29, 2007.